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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,282	01/04/2006	Isao Waseda	P28953	4305
7055	7590	07/05/2007	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.				WILSON, GREGORY A
1950 ROLAND CLARKE PLACE				ART UNIT
RESTON, VA 20191				PAPER NUMBER
				3749
NOTIFICATION DATE		DELIVERY MODE		
07/05/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,282	WASEDA ET AL.	
Examiner	Art Unit		
Gregory A. Wilson	3749		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 04 January 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-3 is/are allowed.

6)  Claim(s) 4 and 5 is/are rejected.

7)  Claim(s) 6 and 7 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 04 January 2006 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/4/06.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by**

**Kidaloski et al (5,339,891).** Kidaloski et al discloses a heat exchanger tube panel module (12) for a boiler structure and is used for packaging, handling, shipping, and erecting the module support structure and comprises a member including heat tube panels (15) each having a bundle of tubes, and headers (96), an upper casing (70) provided above the heat exchanger tube panel and support beams (94) provided on the upper surface of the casing, a transportation frame and vibration supports (35) (SEE column 4, lines 53-58), the vibration supports are at predetermined intervals (Figure 3) on the tube panel and prevent contact between adjacent heat exchange tubes, and furthermore discloses a shake preventive fixing members (SEE column 5, lines 34-38 and column 6, lines 28-31).

**Claims 4 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by**  
**Japanese Ref (2000-018501).** The Japanese reference discloses a heat exchange tube panel (20) for a waste heat recovery boiler wherein a module unit is composed of a heat exchanger tube panel module comprising tubes (3a, 4a, 5a) and headers (10, 10'),

a vertically arranged support member, and a transportation frame (24) and vibration isolating supports (22) provided at predetermined intervals and prevent contact between adjacent heat exchanger tubes and furthermore includes shake preventive fixing members (21) provided between the vibration supports.

**Claims 4 & 5** are rejected under 35 U.S.C. 102(b) as being anticipated by **Sansoucy (5,722,354)**. **Sansoucy** discloses a heat exchanger tube panel module for a heat recovery steam generator and includes a module unit (20) having heat exchange tube bundles (24) and headers (26) & (28) as part of the heat exchange tube panel (22), an upper casing (40), a support beam (44, 46) and a transportation frame (SEE column 6, lines 21-31) (36, 38, 42, 66) formed of a rigid body and vibration isolating supports (108) provided at predetermined intervals (SEE Figure 1) and block contact between adjacent heat exchanger tubes in a lengthwise direction and additionally comprises shake preventive fixing members (52, 54) between the vibration isolating supports and transportation frames.

#### ***Allowable Subject Matter***

**Claims 6 & 7** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claims 1-3** are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY WILSON  
PRIMARY EXAMINER



Gaw  
June 26, 2007